

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY  
DOCUMENT  
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DOC #: \_\_\_\_\_  
DATE FILED: \_\_\_\_\_

CANADIAN NATIONAL RAILWAY  
COMPANY,

Plaintiff,

07 Civ 8226 (KMK)

- against -

**STIPULATION AND ORDER  
OF DISCONTINUANCE**

VANTIX LOGISTICS and PEPSI COLA  
CANADA BEVERAGES,

Defendants.

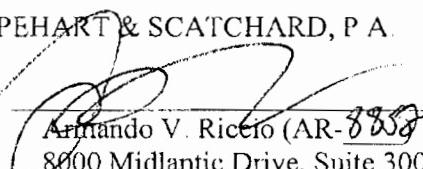
Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, it is hereby stipulated and agreed that this action is discontinued with prejudice only as to Defendant Vantix Logistics, but with each party to pay its own costs and attorneys' fees

Defendant Pepsi Cola Canada Beverages has not appeared in the action

Dated: \_\_\_\_\_, New Jersey  
June 18, 2008

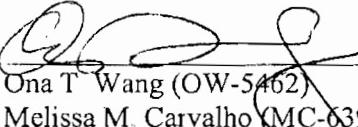
CAPEHART & SCATCHARD, P.A.

By

  
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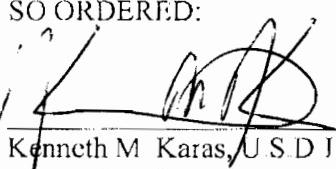
Dated: New York, New York  
June 16, 2008

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Attorneys for Defendant Vantix Logistics

SO ORDERED:

  
Kenneth M. Karas, U.S.D.J.

6/24/08  
Date